

Serial No. 10/806,436  
Docket No. 87283/03

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**REMARKS**

Entry of this response is proper under 37 CFR §1.116, since no new claims or issues are presented. Moreover, Applicant requests that the finality of the previous Office Action be withdrawn as premature, since the latest Office Action is contradictory and too confusing to proceed to Appeal without correction/clarification on the record.

More specifically, as best can be deciphered from the Examiner's comments in paragraph 6 beginning on page 6 of the Office Action, the Examiner intends that the rejection for claims 1-5, 7, 9-12, 14, 16-20, 22-26, and 28 actually be an obviousness rejection based on secondary reference William, rather than an anticipation rejection. Moreover, as best can be deciphered, the Examiner intends that the rejection for the remaining claims is also based on Kiyomoto rather than Byrne, as based on the discussion in the body of the rejection to refer to Kiyomoto instead of Byrne.

Claims 1-4 and 7-28 are pending in the application.

It is noted that Applicant specifically states that no amendment to any claim herein should be construed as a disclaimer of any interest in or right to an equivalent of any element or feature of the amended claim.

With respect to the prior art rejections, claims 1-5, 7, 9-12, 14, 16-20, 22-26, and 28 stand rejected under 35 U.S.C. §102(e) as anticipated by U.S. Patent No. 7,003,315 to Kiyomoto et al. As best can be deciphered, the Examiner intends this rejection to be an obviousness rejection, using secondary reference Williams.

As best understood and in spite of the first sentence of paragraph 5 on page 5, the Examiner intends newly-cited Kiyomoto to be the primary reference so that claims 6, 8, 13, 15, 21, and 27 stand rejected under 35 U.S.C. §103(a) as unpatentable over Kiyomoto (?), further in view of U.S. Patent No. 6,363,246 to Williams.

These rejections are respectfully traversed in the following discussion.

**I. THE CLAIMED INVENTION**

The invention as recited in independent claim 1, for example, is directed to a wireless communication terminal including an operating unit, reception field level detecting means for detecting a threshold field level of the received radio wave, a control unit for controlling the terminal, a storage unit, a plurality of wireless communication units each matching a different communication system, and switch-over means for switching over from one to another of the

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wireless communication units. The terminal selects one of the communication systems on the basis of the reception of the threshold field level of a first communication system that is currently selected and that of another second communication system. (Application at page 2, lines 5-15).

This structure is important because by detecting reception field levels only when a threshold is reached, battery consumption will be decreased and switchover will be faster due to immediate detection of the threshold (Application at page 12, line 25-page 13, line 1).

In a conventional dual mode wireless communication terminal, as described in the Background of the present Application, the terminal periodically detects the reception field level of another communication system, and determines whether or not to switch over from one communication system to another on the basis of the detected level. Accordingly switch over may be delayed and battery power consumed unnecessarily (Application at page 1, lines 11-25).

In contrast, an exemplary aspect of the claimed invention may switch from one wireless unit to another wireless unit on the basis of the reception field level that is currently selected (Application at page 2, lines 5-15).

None of the applied references discloses or suggests this invention in combination with the features additionally described in the independent claims.

## II. THE PRIOR ART REJECTIONS

In rejecting claims 1-5, 7, 9-12, 14, 16-20, 22-26, and 28 under 35 U.S.C. §102(e) as allegedly anticipated by newly-cited Kiyomoto, the Examiner alleges that Kiyomoto discloses all of the features of the rejected claims. However, Applicant respectfully submits that there are elements of the rejected claims that are not disclosed or suggested by Kiyomoto.

For example, Kiyomoto fails to disclose or suggest a wireless communication terminal including "...the terminal issues a notice signal when the second communication system has priority and communication with the second communication system is possible." In the rejection currently of record, the Examiner relies upon secondary reference Williams for this feature previously defined in claim 6.

However, although Williams reasonably does define using a notice signal, the notice

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signal in Williams fails to satisfy the plain meaning of the condition defined by previous claim 6, now moved into independent claim 1. That is, even the Examiner's description of the notice signal in Williams is that this reference merely identifies which system the PCC is currently receiving. This description fails to satisfy the description of the notice signal of limitation of independent claim 1 that the notice signal is generated when "... the second system has priority and communication with the second communication system is possible." This description is much more specific than that used in Williams.

Thus, neither secondary reference Williams nor primary reference Kiyomoto teaches or suggests at least the final limitation of independent claim 1.

As both Williams and Kiyomoto fail to disclose or suggest all of the claimed features, withdrawal of the rejection is respectfully requested for claims 1-5 and 7-19.

Relative to the rejection for claims 20-22, Applicants submit that Kiyomoto fails to teach or suggest the final two claim limitations, wherein a first threshold is used to initiate the detection of the strength of the second system and a second threshold is used to switch to that second system. That is, although the description at line 37 of column 5 through line 55 of column 6 of Kiyomoto reasonably demonstrates a threshold for entering into the second standby mode, there is no suggestion of a first threshold for initiating detection of the second system and a second threshold for switching over to that second system.

Therefore, claims 20-22 are clearly patentable over Kiyomoto, and the Examiner is respectfully requested to reconsider and withdraw this rejection.

Relative to the rejection for claims 23-28, the Examiner alleges that Kiyomoto teaches a prescribed operation used to control the detection of the second system signal strength. However, the Examiner fails to specify which "operation" of Kiyomoto is intended to be the prescribed operation and it does not seem apparent that any such operation is used in this manner in Kiyomoto.

Therefore claims 23-28 are clearly patentable over Kiyomoto, and the Examiner is respectfully requested to reconsider and withdraw this rejection.

Relative to the rejection for claim 6, 8, 13, 15, 21, and 27, the Examiner also seemingly relies upon Kiyomoto, further in view of Williams, and seemingly alleges that the claim language of these claims is satisfied by the merely allegation that control of LEDs are known in the art. In response, Applicant submits that these claims describe much more detail and the rejection of record simply fails to address the claim limitations. Moreover, this

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rejection fails to remedy the deficiencies identified above.

Therefore, Applicant submits that all pending claims are allowable over the prior art of record and respectfully requests that the Examiner reconsider and withdraw these rejections.

#### IV. CONCLUSION

In view of the foregoing, Applicant submits that claims 1-5 and 7-28, all the claims presently pending in the application, are patentably distinct over the prior art of record and are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue at the earliest possible time.

Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary in a telephonic or personal interview.

The Commissioner is hereby authorized to charge any deficiency in fees or to credit any overpayment in fees to Attorney's Deposit Account No. 50-0481.

Date: 04/18/08

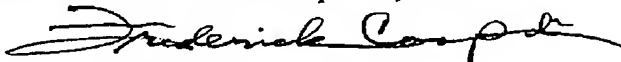
Respectfully Submitted,

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#### CERTIFICATION OF TRANSMISSION

I certify that I transmitted via facsimile to (571) 273-8300 this Request for Reconsideration under 37 CFR §1.116 to Examiner J. Gelin on April 18, 2008.

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